

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

EIGHT MILE STYLE, LLC; MARTIN  
AFFILIATED, LLC,

Plaintiffs,

v.

SPOTIFY USA INC.; HARRY FOX AGENCY,  
LLC,

Defendants,

v.

KOBALT MUSIC PUBLISHING AMERICA, INC.

Third-Party Defendant.

Case No. 3:19-cv-00736

**UNITED STATES OF AMERICA’S UNOPPOSED MOTION FOR LEAVE  
TO FILE DOCUMENTS UNDER SEAL**

Pursuant to § 5.07 of the Amended Practices and Procedures for Electronic Case Filing, Admin. Order 167-1 (Aug. 21, 2015), the United States of America respectfully moves for leave to file its Memorandum of Law in Support of the Constitutionality of the Music Modernization Act under seal. Counsel for the United States conferred with counsel for the other parties’ counsel, who do not oppose this request.

To “justify nondisclosure to the public,” “[t]he proponent of sealing must provide compelling reasons to seal the document and demonstrate that the sealing is narrowly tailored to those reasons—specifically, by ‘analyz[ing] in detail, document by document, the propriety of secrecy, providing reasons and legal selections.” *Beauchamp v. Fed. Hom Loan Mortg. Corp.*, 658 F. App’x 202, 207 (6th Cir. 2016) (quoting *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*,

825 F.3d 299, 305-06 (6th Cir. 2016)). The United States does not believe its Memorandum of Law contains any information that warrants sealing and accordingly believes that its Memorandum of Law should be available to the public. However, the United States seeks leave to file its Memorandum of Law under seal out of an abundance of caution. The Memorandum contains discussion of and references to the parties' filings in connection with their motions for summary judgment, which have been filed under seal pursuant to the Court's orders. *See, e.g.*, ECF No. 385. In addition, the United States understands that Plaintiffs have moved to unseal these materials and that the motion has not been fully briefed or resolved. *See* ECF No. 397. The requested relief would avoid any public disclosure of material that may be the subject of the ongoing dispute between the parties on sealing.

**Wherefore**, the United States respectfully requests leave to file its Memorandum of Law in Support of the Constitutionality of the Music Modernization Act under seal.

Dated: December 12, 2023

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

LESLEY FARBY  
Assistant Branch Director  
Federal Programs Branch

/s/ Chetan A. Patil  
CHETAN A. PATIL  
DC Bar No. 999948  
Senior Trial Counsel  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
P.O. Box No. 883  
Ben Franklin Station  
Washington, DC 20044  
Tel: (202) 305-4968  
Fax: (202) 616-8470  
Email: chetan.patil@usdoj.gov

HENRY C. LEVENTIS  
United States Attorney  
Middle District of Tennessee

MICHAEL C. TACKEFF, B.P.R.# 036953  
Assistant United States Attorney  
719 Church Street, Suite 3300  
Nashville, TN 37203  
Email: Michael.Tackeff@usdoj.gov

*Counsel for the United States of America*

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on December 12, 2023, with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all parties and counsel of record by operation of the Court's CM/ECF system.

Aubrey B. Harwell III  
NEAL & HARWELL, PLC  
1201 Demonbreun Street, Suite  
1000  
Nashville, Tennessee 37203  
Telephone: (615) 244-1713  
Facsimile: (615) 726-0573  
tharwell@nealharwell.com

Marie T. Scott (BPR # 032771)  
FISHER & PHILLIPS LLP  
424 Church Street, Suite 1700  
Nashville, TN 37219  
mtscott@fisherphillips.com

Matthew D. Ingber  
Rory K. Schneider  
Allison Aviki  
Alina Artunian  
MAYER BROWN LLP  
1221 Avenue of the Americas  
New York, New York 10020  
Telephone: (212) 506-2500  
mingber@mayerbrown.com  
rschneider@mayerbrown.com  
aaviki@mayerbrown.com  
aartunian@mayerbrown.com

Andrew J. Pincus  
Archis A. Parasharami  
MAYER BROWN LLP  
1999 K Street, N.W.  
Washington, D.C. 20006  
Telephone: (202) 263-3220  
apincus@mayerbrown.com  
aparasharami@mayerbrown.com

Carey R. Ramos  
Rachel E. Epstein  
Cory Struble  
Mario O. Gazzola  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
51 Madison Avenue, 22nd Floor  
New York, New York 10010  
Telephone: (212) 895-2500  
careyramos@quinnemanuel.com  
corystruble@quinnemanuel.com  
rachelepstein@quinnemanuel.com  
mariogazzola@quinnemanuel.com

Allison L. Stillman  
LATHAM & WATKINS LLP  
1271 Avenue of the Americas  
New York, New York 10020  
Telephone: (212) 906-1200  
alli.Stillman@lw.com

*Attorneys for Defendant and Third-Party Plaintiff Spotify USA Inc.*

Richard S. Busch  
Andrew H. "Drew" Davis  
David M. Niemierzycki  
KING & BALLOW  
26 Century Boulevard, Suite NT700  
Nashville, TN 37214  
rbusch@kingballow.com  
ddavis@kingballow.com  
dniemierzycki@kingballow.com

James F. Blumstein  
131 21st Avenue South  
Nashville, TN 37203  
James.blumstein@vanderbilt.edu

*Of Counsel*

*Attorneys for Plaintiffs Eight Mile Style, LLC and Martin Affiliated, LLC*

Jay S. Bowen  
Lauren Kilgore  
Jacob T. Clabo  
SHACKELFORD, BOWEN, MCKINLEY  
& NORTON, LLP  
1 Music Circle South, Suite 300  
Nashville, TN 37203  
P: (615) 329-4440  
F: (615) 329-4485  
jclabo@shackelford.law  
lkilgore@shackelford.law  
jclabo@shackelford.law

Chris M. LaRocco  
Matias Gallego-Manzano  
BRYAN CAVE LEIGHTON PAISNER  
LLP  
1290 Avenue of the Americas  
New York, New York 10104  
(212) 541-2000  
chris.larocco@bclplaw.com  
matias.gallego-manzano@bclplaw.com

*Attorneys for Defendant Harry Fox Agency, LLC*

Karl M. Braun, BPR #22371  
HALL BOOTH SMITH, P.C.  
Fifth Third Center  
424 Church Street, Suite 2950  
Nashville, Tennessee 37219  
kbraun@hallboothsmith.com  
(615) 313-9911 (Telephone)

Brian D. Caplan  
Robert W. Clarida  
Julie B. Wlodinguer  
REITLER KAILAS & ROSENBLATT LLP  
885 Third Avenue  
New York, New York 10022  
Telephone: (212) 209-3050  
bcaplan@reitlerlaw.com  
rclarida@reitlerlaw.com  
jwlodinguer@reitlerlaw.com

*Attorneys for Third-Party Defendant Kobalt Music Publishing America, Inc.*

/s/ Chetan A. Patil